

Recommendation Report for Outline Consent

REF NO: R/24/19/OUT

LOCATION: Rear of 25 Mill Lane
Rustington
BN16 3JR

PROPOSAL: Outline application with all matters reserved for 1 No. dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal seeks permission for the principle of development only. No Details other than a block plan are included in the application. It is not clear from the information submitted whether it is intended the dwelling would be single or 2 storey. The application forms refer to a 2 bedroom property.
SITE AREA	0.015 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	67 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Walling to western boundary approx. 2m high. Walling and hedging to Albert Road to approx. 3m high
SITE CHARACTERISTICS	Site comprises part of the rear garden area of 25 Mill Lane and is currently occupied by a pitched roof single garage. 25 Mill Lane is a detached 2 storey dwelling. A grassed access adjoins the western boundary which provides garage access.
CHARACTER OF LOCALITY	Predominantly residential characterised by a mix of 2 storey and single storey dwellings of varying design and type.

RELEVANT SITE HISTORY

R/24/75	Enlargement Of Existing Utility Room	ApproveConditionally 13-03-75
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Objection

(i) The proposal is in conflict with the Rustington Neighbourhood Plan (Policy 2: Housing Design) and the Rustington Village Design Statement.

(ii) Would set a precedent.

(iii) The proposal would constitute an unsatisfactory form of back-land development which would be unneighbourly and adversely affect the privacy and quiet enjoyment of the neighbouring property, 24 Albert Road.

(iv) The proposal, which includes the removal of the existing garage, has no other provision made for parking, and would, therefore, increase the pressure for on-street parking, in close proximity to the busy junction of Mill Lane and Albert Road, a location which is already subject to vehicular congestion at all times of the day. This would prove to be detrimental to the safety and free flow of traffic, adding to the existing hazards for highway users at this point.

6 Objections

- Will have a negative impact on the adjacent property.
- The 2 bed detached dwelling with garage will be right next to my rear garden, both overlooking and depriving of privacy and blocking currently unrestricted light to the area.
- Will adversely impact on value of the adjoining property.
- Completely out of character with this end of Albert Road.
- It will over shadow neighbouring properties, in particular the next door property which will have the current use of their back garden completely destroyed.
- Detrimental to surrounding properties, reducing light and increasing traffic.
- Our garden is West Facing and if a dwelling is erected at the bottom of our garden this would shadow our currently West garden and leave no natural light.
- Parking in and around Albert Road is always congested and another dwelling will only cause more congestion.
- Will cause a lot of disruption and dust.

COMMENTS ON REPRESENTATIONS RECEIVED:

Devaluation of property is not a material planning consideration.

It is agreed that the proposal would be out of character with the area in terms of plot size and dwelling to plot ratio and would be unneighbourly with regard to the impact on 27 Mill Lane.

The only elevation that could accommodate non-obscured windows, above ground floor, would be the front south elevation and it is difficult to envisage how a 2 storey dwelling could be designed to provide adequate outlook for future occupiers and protection from overlooking for existing neighbouring residents. A single storey property would have very small rooms and would require a minimum footprint of 61 sq m internally in order to comply with space standards. The proposal provides an area of half this size.

Construction disruption could be controlled by imposition of a condition relating to a Construction Management Plan.

County highways have no objection to the proposal in terms of highway safety.

CONSULTATIONS

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
ECCSP2	ECC SP2 Energy and climate change mitigation

[Rustington Neighbourhood Plan 2014 Policy 2](#) Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. Policy 2 of Rustington Neighbourhood Plan is considered relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under

the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that it would have an adverse effect on the character of the area and the residential amenities of adjoining properties and proposed occupiers.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site lies within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are policies D DM1, D DM2 and D SP1 of the Local Plan; Policy 2 of Rustington Neighbourhood Plan and the NPPF. The application seeks approval to the principle of development on the site comprising of a single dwelling.

DESIGN AND VISUAL AMENITY

The site is located within an area characterised by mainly 2 storey detached and terraced properties on this side of Albert Road which are of differing design and footprint, but which have relatively large residential curtilages with minimum rear garden lengths of 14m and 19m. The proposal is indicated in a position that aligns with the set back distance of properties to the west, but consequently the rear garden length is unduly limited at 3m. The plot depth is half of that of the dwellings to the west. The appearance and scale of the proposed dwelling on the site would not be comparable with those adjoining the site area. It is significantly smaller, resulting in a cramped development and the rear private garden area is also very limited in size. It is not in keeping with the general pattern of development in the locality. It is considered the spatial pattern and character of the locality will not be retained. The design, scale, height and materials of the dwelling are not included in the proposal, but a 2 storey dwelling would appear overbearing in relation to the limited plot size and a bungalow of limited footprint would also appear cramped and out of keeping in the street scene. The proposal would not therefore accord with policy DSP1 of Arun Local Plan and policy DDM1(1) and (13) and Policy 2 of Rustington Neighbourhood Plan.

RESIDENTIAL AMENITY

The application as submitted does not contain any details regarding the design or height of the proposed dwelling. However the block plan indicates a dwelling on the western boundary and approx. 3m from the northern boundary. Given the likely close proximity to these boundaries any property would be overbearing on the garden area of 27 Mill Lane.

The side elevation of 24 Albert Road is 6.5m from the site boundary since it is separated by access to its own garage and that adjoining to the east. It has secondary openings at first and second floor so it is unlikely that any dwelling in this position would result in materially adverse overbearing effects on this property. The side garden area is an access driveway and is not used for sitting out.

The only elevation of the proposed dwelling that could accommodate non-obscured windows, above ground floor, would be the front, south elevation and it is difficult to envisage how a 2 storey dwelling could be designed to provide adequate outlook for future occupiers whilst protecting existing

neighbouring residents. The proposal would therefore be contrary to policy DDM1(3) of Arun Local Plan.

SPACE STANDARDS

No details, other than the block plan, have been submitted with the proposal to assess compliance with the Nationally prescribed space standards. However the block plan indicates a dwelling of 5.5msq with a gross internal floor area therefore of less than 60.5 sqm. The guideline for a 3 person 2 bedroom 2 storey house is 70msq and for a single storey 2 bedroom dwelling is 61 sqm, based on the limited information submitted ,the proposal would not meet this criteria and is therefore unacceptable. The garden area is also not readily comparable with other dwellings in Albert Road. The 3m depth is not replicated elsewhere. Other properties with limited garden areas on the opposite side of Albert Road have space to the side and rear and larger overall curtilages. The 3m depth would not be adequate for a 2 bedroom property where children may be occupants and could not reasonably play in a garden of such limited proportions.

HIGHWAY SAFETY AND PARKING

County Highways have raised no objection to the proposal on highway grounds. On this basis the proposal is considered compliant with policy TSP1 which requires safe access to the highway network for any development. Some off road parking could be provided in front of the dwelling.

CONCLUSION

The application is therefore recommended for refusal for the following reasons

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

REFUSE

- 1 Given the limited plot size the proposal would result in a cramped and unneighbourly form of

development which would be out of keeping with the character of the area in Albert Road and as a result would have an unacceptable impact on the appearance of the street scene and the residential amenities of adjoining properties in conflict with policies DDM1 and DSP1 of the Arun Local Plan and Policy 2 of Rustington Neighbourhood Plan.

- 2 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.